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7 Attorneys for Plaintiff JOSE JACOBO, et al.
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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 JOSE JACOBO, et al.,
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15 Plaintiffs,
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17 vs.
18 ROSS STORES, INC., *et al.*,
19 Defendants.

Case No. 2:15-cv-04701-MWF-AGR_x

**PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF PLAINTIFFS' OPPOSITION TO
DEFENDANT'S MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

20 Courtroom: 1600
Date: February 5, 2016
Time: 11:00 a.m.
21 Judge: Hon. Michael W. Fitzgerald
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1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
2 RECORD:

3 PLEASE TAKE NOTICE that on February 5, 2016, at 11:00 a.m., or as soon
4 thereafter as the matter may be heard in Courtroom 1600 of the above-captioned
5 Court, located at 312 North Spring Street, Los Angeles, California 90012, in
6 connection with their Opposition to Defendant's Motion to Dismiss Plaintiffs' First
7 Amended Complaint, Plaintiffs Jose Jacobo and Theresa Metoyer will and hereby do
8 request that the Court take judicial notice of the following documents pursuant to
9 Rule 201 of the Federal Rules of Evidence:
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- 11 1. The court's Statement of Decision in *People of the State of California v.*
12 *Overstock.com, Inc.*, Alameda Superior Court Case No. RG10-546833, dated
13 February 5, 2014. (Hon. Wayne S. Carvill) (Exhibit A);
- 14 2. Order Denying Defendant Burlington Coat Factory of California, LLC's
15 Motion to Dismiss Plaintiff's First Amended Complaint (Doc. No. 30) in
16 *James Horosny, et al., v. Burlington Coat Factory of CA, LLC, et al.*, 15-cv-
17 05005-SJO (MRWx) (U.S.D.C. C.D. Cal., October 26, 2015) (Exhibit B);
- 18 3. Order Denying Defendant's Motion to Dismiss Plaintiff's Second Amended
19 Complaint (Doc. No. 26) in *Kevin Branca v. Nordstrom, Inc.*, 14-cv-02062-
20 MMA (JMA) (U.S.D.C. S.D. Cal., October 9, 2015) (Exhibit C);
- 21 4. Order Denying Defendant's Motion to Dismiss Plaintiff's Amended Complaint
22 (Doc. No. 32) in *Steven Russell, et al., v. Kohl's Department Stores, Inc.*, 5:15-
23 cv-01143-RGK-SP (U.S.D.C. C.D. Cal., October 6, 2015) (Exhibit D);
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26 The Court may take judicial notice of court filings and other matters of public
27 record. *Allen v. City of Los Angeles*, 92 F.3d 842, 850 (9th Cir. 1992) (federal courts
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1 may take judicial notice of proceedings in other courts, both within and without the
2 federal judicial system) (overruled on other grounds).

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4 Dated: January 15, 2016 LAW OFFICE OF CHRISTOPHER J. MOROSOFF
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7 By: /s/ Christopher J. Morosoff
8 CHRISTOPHER J. MOROSOFF
9 Attorneys for Plaintiffs JOSE JACOBO, et al.
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